

**UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

IN RE:	§	
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	§	
LAWRENCE EDWARD THOMPSON	§	Misc. No. CC-07-078
	§	
	§	

**ORDER DENYING APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS AND DISMISSING CASE**

On July 24, 2007, Petitioner filed a motion for permission to proceed *in forma pauperis* (D.E. 1). On September 21, 2007, the United States Magistrate Judge filed a memorandum, recommending this Court deny Petitioner's application for leave to proceed *in forma pauperis* and dismiss this case (D.E. 2). Petitioner filed objections.

Petitioner admits that he is a three strikes litigant but claims he satisfies the imminent danger exception, which permits prisoners who are under imminent danger of serious physical injury to proceed without prepayment of the filing fee. 28 U.S.C. §1915(g). Petitioner claims he is not receiving medical treatment for his respiratory infection such that his life is in danger.

Petitioner's pleadings contradict his assertion. Petitioner does not claim that he has been refused medical treatment. In fact, he admits he was seen in the infirmary eleven times between November 1996 and June 1997 and received medication during that time. X-rays were taken of Petitioner's lungs in June, 1997. On July 16, 2007, Dr. Fitts advised Petitioner

that his lungs were clear and discontinued his medication. Petitioner admits that he has since been seen in the infirmary on multiple occasions to resolve the problem.

Petitioner's objections express nothing more than his disagreement with the Magistrate Judge's recommendation and his frustration with the medical care he is receiving. Petitioner does not present any new legal or factual arguments to the Court.

The Court finds Petitioner's allegations fail to state a claim under section 42 U.S.C. §1983 and do not allege a claim for imminent danger.

Petitioner's application for leave to proceed *in forma pauperis* (D.E. 1) is DENIED. Petitioner's case is DISMISSED without prejudice. Petitioner may file a motion to reinstate this lawsuit only if he pays the \$350.00 filing fee simultaneously with the motion.

ORDERED this 11 day of Jan, 2008.


HAYDEN HEAD
CHIEF JUDGE